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# APPENDIX F — TITLE I POLICY

## MONTANA TITLE I REALLOCATION POLICY

**REVISED MAY 2001  
REALLOCATED POLICY  
PUBLIC LAW 107-110, SECTION 1126(C) AND 1127(A)**

It is the policy of the Office of Public Instruction that school districts with additional needs for Title I services may apply for reallocated funds or receive funds in accordance with the following: the local education agency (LEA) has requested or approved all available current and carryover funds in their current Title I project; the LEA has refunded all unspent Title I funds from the previous year's project; the LEA has the previous year's program completed before requesting reallocated funds and the LEA's allocation has not been reduced because of Maintenance of Effort requirements in Section 1120A. All deadline dates that apply are listed on the cover page of the current Reallocated Application.

### **I. Sources and Collection of Funds for Reallocation**

- A. The state education agency (SEA) shall reallocate funds from an LEA that:
  - 1. Is not participating in the title I LEA program;
  - 2. Has its allocation reduced because it failed to meet the Maintenance of Effort requirements in Section 1120a;
  - 3. Has carryover funds that exceed the percentage limitation in Section 1127(a);
  - 4. Received reallocated funds for the previous year and has carryover; or
  - 5. Has excess funds for other reasons.
- B. The SEA shall also reallocate funds that the SEA has recovered after determining that an LEA has failed to spend funds received in accordance with Public Law 107-110 and other applicable state and federal laws and regulations.

### **II. Timelines**

- A. The SEA, on August 1 of the current fiscal year, will notify all LEAs that have not submitted an annual consolidated application for a Title I program if they do not submit an application by September 30, the SEA will take the unused Title I funds for reallocation. The SEA will begin distribution of these funds as of November 10.
- B. The SEA will take all Title I funds in excess of the allowable carryover amount and begin distribution of these funds as soon as available amounts are documented after November 10.

- C. The SEA can grant a district a waiver of the carryover provisions once every three years, in accordance with Section 1127(b), if the request is reasonable and necessary or there has been a supplemental Title I appropriation made that becomes available during the fiscal year. Further guidance on obtaining a waiver to the carryover limitation may be requested from the OPI if needed.

### **III. Priorities**

LEAs that become ineligible for a Basic grant due to a change in the U.S. Census poverty data and still receive a Concentration grant, will be given first priority for reallocated funds available to bring their total allocation up to the prior year's level, but only during the first fiscal year the LEA receives a Concentration grant alone.

### **IV. Selection of LEAs with Additional Needs**

- A. *Except for the above priority LEAs*, the LEA applications for reallocated funds will be ranked according to the percentage of children eligible for free/reduced lunch or milk. This percentage will be from the previous October and will be supplied by the School Foods program office at the Office of Public Instruction. Reallocated funds will be given to those school districts who have the greatest percentage of children eligible for free/reduced lunch or milk. (If an LEA has no free/reduced lunch/milk program, the SEA will substitute the LEA's most recent total count used for allocations.)
- B. The maximum amount of reallocated funds a district may apply for will be controlled by the free/reduced lunch/milk count in that district. The maximum amount will be determined by multiplying \$100 times the number of students approved for free/reduced lunch/milk count. The lunch/milk count will be from the previous October and will be supplied by the School Foods program office at the Office of Public Instruction. (If an LEA has no free/reduced lunch/milk program, the SEA will substitute the LEA's most recent total count used for determining allocations.)
- C. The amount of reallocated funds that each such LEA will receive will be based on the additional needs and the cost of the services proposed by the LEA to meet such additional needs. Justification must be provided in the application for reallocated funds to support the request for additional funds to address the additional needs.



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Linda McCulloch  
Superintendent

August 30, 2004

To: Title I Authorized Representatives

From: BJ Granbery, Division Administrator/Title I Director  
Division of Educational Opportunity and Equity

Re: Comparability

The common assurances submitted by each district contain signed assurances that each district has established and implemented the following:

- (1) a local education agencywide (LEA) salary schedule;
- (2) a policy to ensure equivalence among schools in teachers, administrators, and other staff;  
and
- (3) a policy to ensure equivalence among schools in the provision of curriculum materials  
and instructional supplies.

This assurance is part of complying with the comparability requirement contained in Section 1120A, subsection (c) of Public Law 107-110, the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act of 2001. **Please make sure you do have these items in place.**

In addition to establishing the above policies, an LEA must develop procedures for compliance with the comparability requirement and implement those procedures annually. The statute specifies biennial documentation, but we are requesting that the attached worksheet now be completed and submitted every year. This is the only way for us to assure ANNUAL compliance. We were cited on this in a finding from our federal monitoring visit. **Please refer to the categories on the next page to determine whether or not your district is required to do this report.**

You must use data from the beginning of the school year. You need not include unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year. Please follow the instructions provided, complete the worksheet, and return to our office by September 30. If you have questions or need assistance, please call Gwen Smith at 444-5660 and ask for the Title I specialist assigned to your project.

BJG:gs

Attachments

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# TITLE I COMPARABILITY

A local education agency (LEA) may receive Title I Part A funds only if it uses state and local funds to provide services in project areas that are at least comparable to the services provided in school attendance areas that are not receiving Title I funds. If the LEA selects all of its school attendance areas as project areas, the LEA must use state and local funds to provide services that are substantially comparable in each project area.

A state education agency (SEA) shall consider an LEA to have met the comparability requirement if the LEA:

1. files with the SEA a written assurance that the district has established and implemented a districtwide salary schedule, a policy to ensure equivalence among schools in teachers, administrators and auxiliary personnel, and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies;

AND

2. establishes and implements other measures for determining and documenting compliance such as student/instructional staff ratios.

Records: In Montana, each LEA files a written assurance that it has established and implemented a districtwide salary schedule and policies to ensure equivalence among schools in staffing and in the provision of materials and supplies. The LEA must also keep records to document that the salary schedule and policies were implemented and that equivalence was achieved among schools in staffing, materials, and supplies. The LEA must also establish and implement other measures for determining compliance with comparability such as student/instructional staff ratios and must maintain source documentation to support the calculations and documentation to demonstrate that any needed adjustments to staff assignments were made.

School districts fall into one of the following categories: (Districts and schools with an enrollment of less than 100 are excluded.)

(Use *Directory of Montana Schools* 2003-2004)

1. Only one school per level in the district.
2. Districts with more than one school per level; all schools eligible for Title I and all schools being served by Title I.
3. Districts with more than one school per level; all schools eligible for Title I, but only part of them being served by Title I.
4. Districts with more than one school per level; some schools eligible for Title I and some not eligible for Title I service.

## Instructions

Districts in category 1 are not required to file comparability reports.

Districts in categories 2, 3, and 4 must complete the form that follows these instructions. Return the completed form to the Title I office for review by the Title I specialists. **Due date is September 30, 2004.**

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## INSTRUCTIONS

**NOTE:** The district may divide its schools into grade span groupings. Also, if there is a significant difference in the enrollments of schools within a grade span, for example, the largest school in the grade span has an enrollment that is two times the enrollment of the smallest school in the grade span, the LEA may divide grade spans into a large school group and a small school group.

Category 2 districts will use the school(s) with the lowest percentage or numbers of children from low-income families as the nonproject school(s).

Category 3 districts will use the school(s) eligible, but not being served as the nonproject school(s).

Category 4 districts will use the school(s) eligible, but not being served plus the noneligible school(s) as nonproject school(s).

### Directions for each box or column:

1.	List all schools where Title I projects are operated. Schools with an enrollment of less than 100 may be excluded.
2.	List actual grade span in the school.
3.	List enrollments by school as of the beginning of this school year.
4.-5.-6.	List FTE of the instructional staff paid for with state and local funds by school as of the beginning of this school year. Instructional staff is identified as those staff persons who have a direct effect on the student's educational program; e.g., teachers, aides, tutors, principals, instructional consultants, instructional librarians, and counselors. Clerical persons are not to be included. The FTE provided by state and local funds for bilingual education and the <i>FTE provided by supplemental state and local funds spent in any school attendance area or school for programs that meet the intent and purpose of Title I may be excluded</i> . Also, the excess costs of providing services to children with disabilities may be excluded. (Excess costs are costs of providing services to special education students that are over and above the average per pupil expenditure for all students, IDEA Part B; 34CFR 300.184.)
7.	Total columns 4, 5, and 6 for each building.
8.	To determine the student-staff ratio, divide column 3 by column 7.
3A.	State the average enrollment for the nonproject schools. To find this average, take the total enrollment of all nonproject schools and divide by the total number of nonproject schools.
7A.	State the average non-Title I FTE of the instructional staff for the nonproject schools. To find this average, take the total non-Title I FTE staff of nonproject schools and divide by the total number of nonproject schools. The same inclusions and exclusions apply as stated in numbers 4, 5, and 6 of this instruction page.
8A.	To determine the average student-staff ratio, divide column 3A by column 7A.
8B.	To determine the compliance figure, 8B, multiply 8A by 110 percent (1.10).

# TITLE I COMPARABILITY REPORT

## MONTANA OFFICE OF PUBLIC INSTRUCTION

District Name and No.

Legal Entity

Signature of Authorized Representative

Date

County Name and No.

1.	2.	3.	4.	5.	6.	7.	8.
Project Schools By Name:	Actual Grade Span:	Pupils Enrolled Beginning Of School Year:	FTE Teacher Staff:	FTE Administration Staff:	FTE Auxiliary Staff:	Total FTE Staff Columns 4 + 5 + 6:	Column 3 Divided By Column 7:
		3A.	4A.	5A.	6A.	7A.	8A.
Average For Non-Project Schools In This Grade Span		Average	Average	Average	Average	Average	Average
						Enter here 110% of Box 8A.	8B.